

## MINUTE ORDER

CASE NUMBER: CRIMINAL NO. 21-00142 LEK

CASE NAME: USA vs. (1) Donna Yuk Lan Leong, (2) Max John Sword, (3)  
Roy Keiji Amemiya, Jr.

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JUDGE: Leslie E. Kobayashi

DATE: 05/19/2022

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COURT ACTION: EO: COURT ORDER: PARTIALLY UNSEALING THE RECORD  
IN *CITY & COUNTY OF HONOLULU V. UNITED STATES*, CV 19-00026 JMS-KJM;  
AND ALLOWING THE CITY AND COUNTY OF HONOLULU TO SUBMIT A  
LETTER BRIEF SETTING FORTH ITS POSITION ON THE UNSEALING OF  
DOCUMENTS

Defendants Donna Yuk Lan Leong, Max John Sword, and Roy Keiji Amemiya, Jr. (“Defendants”) have requested the release of certain documents currently filed under seal in *City & County of Honolulu v. United States*, CV 19-00026 JMS-KJM (“CV 19-026”). See letter, filed 5/16/22 (dkt. no. 108). This Court is inclined to rule that there is no longer good cause nor compelling reasons to keep the record in CV 19-026 under seal. See generally *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). This Court is therefore inclined to order that CV 19-026 be unsealed in its entirety.

At a status conference on May 19, 2022, the parties were informed of this Court’s inclination, and Plaintiff United States of America (“the Government”) argued that at least some of the filings in CV 19-026 should remain under seal. The Government has been directed to submit a letter brief identifying: 1) each specific filing in CV 19-026 that the Government contends should remain under seal; and 2) as to each document, why good cause exists to maintain the document under seal. The Government’s letter brief must be submitted by **June 1, 2022**. If, after review of the documents, the Government agrees with this Court’s inclination to unseal CV 19-026, the Government shall state that position in its letter brief.

To permit the Government to prepare its letter brief, this Court ORDERS that the record in CV 19-026 be PARTIALLY UNSEALED, insofar as the Clerk’s Office is DIRECTED to provide access to the record in CV 19-026 to the Government’s counsel of record in the instant case. The Government is CAUTIONED that, until this Court issues a final ruling unsealing CV 19-026, the Government may only use the unsealed records for the purpose of preparing its letter brief described above.

The Clerk’s Office is also DIRECTED to serve a copy of this entering order on the City and County of Honolulu (“the City”). The City is DIRECTED to submit a letter

brief: 1) identifying each specific filing in CV 19-026 that the City contends should remain under seal; 2) as to each document, why the disclosure of the document would constitute a waiver of the City's rights, privileges, or protections; and 3) whether the protective order in effect in this case, [Protective Order Regarding Discovery, filed 2/7/22 (dkt. no. 47),] is sufficient to preserve the City's rights, privileges, or protections. The City's letter brief must be submitted by **June 1, 2022**. If the City does not oppose the unsealing of CV 19-026, the City shall state that position in its letter brief.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager